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MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of :
Kaesemeyer :
Application No. 09/605,599 :
Filed: June 28, 2000 :
Attorney Docket No. 126625.0070t(formerly :
257 :
DECISION ON PETITION
UNDER 37 CFR 1.182

This is a decision on the petition under 37 CFR 1.182, filed February 8, 2010, requesting entry of an amendment to the specification to insert a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

The above-noted abandoned application failed to make a specific reference to the prior-filed application; namely, U.S. App. No. 09/293,392, filed April 16, 1999, prior to abandonment. Petitioner now requests that the abandoned application be amended by inserting a reference to the earlier-filed application.


35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to November 29, 2000 to include the benefit of an earlier filing date for purposes other than prosecution. See, Sampson v. Comm'r for Patents, 195 USPQ 136 (D.D.C. 1976).

However, the instant petition is not accompanied by an amendment to include a reference to the prior-filed application in the first line of the specification following the title of the invention.

In view thereof, the request for entry of an amendment to insert a reference to the above-noted, earlier-filed application cannot be granted at this time.

Any request for reconsideration of this decision must be submitted within TWO MONTHS of the mail date indicated above and must include the necessary amendment to the specification.

Any inquiries concerning this decision may be directed to Alesia M. Brown at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Chris Bottorff". The signature is fluid and cursive, with the first name "Chris" and last name "Bottorff" clearly distinguishable.

Chris Bottorff
Supervisor
Office of Petitions